

**EXPLANATORY MEMORANDUM TO**  
**THE LEBANON AND SYRIA (UNITED NATIONS MEASURES) ORDER**  
**2005**

**2005 No. 3432**

1. This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

The Lebanon and Syria (United Nations Measures) Order 2005 ("the Order") gives effect to certain provisions of United Nations Security Council Resolution 1636(2005) adopted on 31<sup>st</sup> October 2005 ("UNSCR 1636"). UNSCR 1636 requires States to take measures to freeze the funds, financial assets and economic resources of individuals suspected of an involvement in the terrorist bombing incident on 14th February 2005 in which former Lebanese Prime Minister Hariri was assassinated. The Order creates prohibitions and criminal penalties to give effect to these and other related measures from UNSCR 1636, including provision for the obtaining of information for the purposes of investigation and enforcement.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 An International Independent Investigation Commission ("the Investigation Commission") has been established to investigate the assassination of former Lebanese Prime Minister Hariri. It is due to report back to the UN Security Council on or before 15<sup>th</sup> December 2005.

- 3.2 The Investigation Commission's report is likely to result in the registration of individuals to whom the financial sanctions will apply. It is important that these financial sanctions are given immediate effect, so that the individuals concerned cannot act to frustrate their purpose.

- 3.2 The Treasury must adopt the necessary legislation in order to give proper effect to UNSCR 1636 and to prevent the avoidance or breach of the financial sanctions. The Order in Council is to be made at the Privy Council meeting on 14<sup>th</sup> December 2005 and laid before Parliament on the following day. The Order will come into force the day after it is laid so that the United Kingdom can immediately enforce the sanctions.

#### **4. Legislative Background**

4.1 UNSCR 1636 directs States to freeze the assets of individuals designated by the Investigation Commission or the Government of Lebanon and registered by a Committee of the Security Council as suspected of having been involved in the terrorist bombing incident of 14th February 2005. The Order gives effect to the international obligation to impose such financial sanctions in the UK and is made in exercise of the powers conferred by section 1 of the United Nations Act 1946.

4.2 It is expected that effect will be given to UNSCR 1636 throughout the EC by an EC Regulation. The provisions in the Order will provide the necessary enforcement measures for the EC Regulation.

#### **5. Extent**

This instrument applies to all of the United Kingdom.

#### **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### **7. Policy background**

7.1 On 14th February 2005, in a terrorist bombing, former Lebanese Prime Minister Rafik Hariri and others were assassinated in Beirut. In reaction, pursuant to UNSCR 1595(2005), the Security Council established the Investigation Commission to assist the Lebanese authorities in their inquiry into all aspects of the assassination, including identifying its perpetrators, sponsors, organisers, and their accomplices.

7.2 On 19th October 2005, the Investigation Commission delivered to the Security Council a "Report of the International Independent Investigation Commission Established Pursuant to Security Council Resolution 1595" which implicated numerous high-level Syrian and Lebanese officials in the assassination.

7.3 In response to the Report, the Security Council adopted UNSCR 1636 which directs member states to freeze the assets of individuals registered by a Committee of the Security Council as suspected of having been involved in the terrorist bombing incident.

7.4 This Order represents the UK's compliance with the obligation of implementing those financial sanctions.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it creates the enforcement penalties in relation to obligations that will shortly be given direct effect under an EC Regulation and therefore has no additional impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

## **9. Contact**

James Russell-Mitra at Her Majesty's Treasury, Tel: 0207 270 4901 or e-mail: [James.Russell-Mitra@hm-treasury.gsi.gov.uk](mailto:James.Russell-Mitra@hm-treasury.gsi.gov.uk) can answer queries regarding the instrument.